

EXHIBIT “A”

(Complaint)

FILED: QUEENS COUNTY CLERK 03/09/2020 05:54 PM

INDEX NO. 704097/2020

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 03/09/2020

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Index No.:
Date Purchased

-----X
LAUREN VASQUEZ,

SUMMONS

Plaintiff,

Plaintiff designates Queens
County as the place of trial.

-against-

J. B. HUNT TRANSPORT, INC. and NICHROY M.
TRACEY

The basis of venue is:
Location of the Occurrence

Defendants.
-----X

Location of the Occurrence:
Braddock Avenue, at or near its
intersection with Ashford
Street, County of Queens, State
of New York.

To the above named Defendants:

You are hereby summoned to answer the Complaint in this action, and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance on the Plaintiff's attorneys within twenty (20) days after the service of this Summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within thirty (30) days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: Forest Hills, New York
March 9, 2020

Yours, etc.,



KEVIN G. LILLIS, ESQ.
MULLANEY & GJELAJ, PLLC
Attorneys for Plaintiff
100-09 Metropolitan Avenue
Forest Hills, New York 11375
(718) 821-8100

TO: J. B. HUNT TRANSPORT, INC.
P.O. Box 130
615 J.B. Hunt Corporate Drive
Lowell, Arkansas 72745

NICHROY M. TRACEY
1019 Stuyvesant Avenue
Irvington, New Jersey 07111

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SUPREME COURT OF THE STATE OF NEW YORK
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LAUREN VASQUEZ,

VERIFIED COMPLAINT

Plaintiff,

-against-

J. B. HUNT TRANSPORT, INC. and NICHROY M.
TRACEY

Defendants.
-----X

Plaintiff, by her attorneys, **MULLANEY & GJELAJ, PLLC**, complaining of the
Defendants, respectfully alleges, upon information and belief:

1. On or about the 15th day of March 2018, and at all times herein mentioned,
Plaintiff, **LAUREN VASQUEZ**, was, and still is a resident of the County of New York,
State of New York.

2. On or about the 15th day of March 2018, and at all times herein mentioned,
Defendant, **NICHROY M. TRACEY**, (hereinafter referred to as “**NICHROY**”) was, and
still is a resident of the County of Essex, State of New Jersey.

3. On or about the 15th day of March 2018, and at all times herein mentioned,
Defendant, **J. B. HUNT TRANSPORT, INC.** (hereinafter referred to as “**J. B.**”), was,
and still is, a foreign business corporation, duly organized and existing under and by the
virtue of the laws of the State of Georgia.

4. On or about the 15th day of March 2018, and at all times herein
mentioned, Defendant, **J. B.**, was, and still is, a foreign business corporation, authorized
to conduct, transact and do business in the State of New York.

5. On or about the 15th day of March 2018, and at all times herein mentioned,
Defendant, **J. B.**, was the owner of a 2016 International Box Truck motor vehicle bearing
Oklahoma State license plate number 2WE781.

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6. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **J. B.**, was the owner of a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717.

7. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **J. B.**, managed a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781.

8. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **J. B.**, managed a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717.

9. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **J. B.**, maintained a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781.

10. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **J. B.**, maintained a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717.

11. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **J. B.**, controlled a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781.

12. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **J. B.**, controlled a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717.

13. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **J. B.**, supervised a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781.

14. On or about the 15th day of March 2018, and at all times herein mentioned,

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Defendant, **J. B.**, supervised a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717.

15. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **J. B.**, performed repairs to a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781.

16. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **J. B.**, performed repairs to a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717.

17. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, was the operator of a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781.

18. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, was the operator of a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717.

19. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, managed a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781.

20. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, managed a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717.

21. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, maintained a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781.

22. On or about the 15th day of March 2018, and at all times herein mentioned,

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Defendant, **NICHOY**, maintained a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717.

23. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, controlled a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781.

24. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, controlled a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717.

25. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, supervised a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781.

26. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, supervised a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717.

27. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, performed repairs to a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781.

28. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, performed repairs to a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717.

29. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, operated a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781 with the permission of Defendant, **J. B.**

30. On or about the 15th day of March 2018, and at all times herein mentioned,

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Defendant, **NICHOY**, operated a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717 with the permission of Defendant, **J. B.**

31. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, operated a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781 with the knowledge of Defendant, **J. B.**

32. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, operated a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717 with the knowledge of Defendant, **J. B.**

33. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, operated a 2016 International Box Truck motor vehicle bearing Oklahoma State license plate number 2WE781 with the consent of Defendant, **J. B.**

34. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY**, operated a 2016 International Box Truck motor vehicle bearing Oklahoma State Vehicle Identification Number 3HSDJAPR6GN195717 with the consent of Defendant, **J. B.**

35. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY** was an employee of Defendant, **J. B.**

36. On or about the 15th day of March 2018, and at all times herein mentioned, Defendant, **NICHOY** operated the aforementioned motor vehicle bearing Oklahoma State license plate number 2WE781 within the scope of his employment with Defendant, **J. B.**

37. On or about the 15th day of March 2018, and at all times herein mentioned,

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Defendant, **NICHOY** operated the aforementioned motor vehicle bearing Oklahoma Vehicle Identification Number 3HSDJAPR6GN195717 within the scope of his employment with Defendant, **J. B.**.

38. At all times herein mentioned, Braddock Avenue, at or near its intersection with Ashford Avenue in Queens County, New York, was/were public roadways and/or thoroughfares.

39. That on March 15, 2018, Plaintiff, **LAUREN VASQUEZ**, was operating her motor vehicle at the above-mentioned location.

40. That on March 15, 2018, Defendant, **NICHOY**, was operating the aforementioned motor vehicle at the above-mentioned location.

41. That on March 15, 2018 at the aforementioned location, the motor vehicle owned by Defendant, **J. B.**, and operated by Defendant, **NICHOY**, came into contact with the motor vehicle operated by Plaintiff, **LAUREN VASQUEZ**.

42. That as a result of the aforesaid contact, Plaintiff, **LAUREN VASQUEZ**, was injured and sustained severe and permanent injuries.

43. That the above-stated occurrence and the results thereof were in no way due to any negligence on the part of the Plaintiff contributing thereto, but were caused by the joint, several and/or concurrent negligence of the Defendants and/or said Defendants' agents, servants, employees and/or licensees in the ownership, operation, management, maintenance and control of their said motor vehicle.

44. Defendants were negligent, careless and reckless in the ownership, management, maintenance, supervision, operation and control of their aforesaid vehicle and Defendants were otherwise negligent, careless and reckless under the circumstances then and there prevailing.

45. That Defendant, **J. B.** was negligent in its hiring, employment and/or

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retention of Defendant, **NICHOY**.

46. That by reason of the foregoing, Plaintiff, **LAUREN VASQUEZ**, sustained severe and permanent personal injuries and was otherwise damaged.

47. Said injuries are permanent in nature and duration, and were caused, precipitated, aggravated and/or exacerbated by the occurrence herein. That to the extent the above injuries, conditions and/or diagnoses are shown to pre-date the accident, then such injuries, conditions and/or diagnoses were latent, asymptomatic and inactive, and as a result of this accident, were activated, aggravated, accelerated and exacerbated therein.

48. That Plaintiff, **LAUREN VASQUEZ**, sustained serious injuries as defined by §5102(d) of the Insurance Law of the State of New York.

49. That Plaintiff, **LAUREN VASQUEZ**, sustained serious injuries and economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

50. That this action falls within one or more of the exceptions set forth in CPLR §1602 and specifically paragraph six (6) thereof.

51. That Plaintiff, **LAUREN VASQUEZ**, is not seeking to recover any damages for which Plaintiff has been reimbursed by no-fault insurance and/or for which no-fault insurance is obligated to reimburse Plaintiff. Plaintiff is seeking to recover only those damages not recoverable through no-fault insurance under the facts and circumstances in this action.

52. That by reason of the foregoing, Plaintiff, **LAUREN VASQUEZ**, has been damaged in an amount that exceeds the jurisdictional limits of all Courts that would otherwise have jurisdiction.

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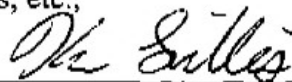
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WHEREFORE, Plaintiff, **LAUREN VASQUEZ**, demands judgment against the Defendants in the amount that exceeds the jurisdictional limits of all Courts that would otherwise have jurisdiction.

Dated: Forest Hills, New York
March 9, 2020

Yours, etc.,



KEVIN G. LILLIS, ESQ.
MULLANEY & GJELAJ, PLLC
Attorneys for Plaintiff
100-09 Metropolitan Avenue
Forest Hills, New York 11375
(718) 821-8100

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Attorney Verification

I, KEVIN LILLIS, ESQ., an attorney admitted to practice in the Courts of New York State, state that I am the attorney of record for the plaintiff in the within action;

I have read the foregoing **SUMMONS AND VERIFIED COMPLAINT** know the contents thereof, the same is true to my knowledge, except as to those matters therein stated to be alleged upon information and belief. The reason this verification is made by me and not by plaintiff is because the plaintiff reside outsidess of the county where deponent maintains his office.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows: conversations with plaintiff, records, reports, and correspondence in your deponent's file.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: Forest Hills, New York
March 9, 2020



KEVIN LILLIS, ESQ.

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

LAUREN VASQUEZ,

Plaintiff,

-against-

J. B. HUNT TRANSPORT, INC. and NICHROY M. TRACEY

SUMMONS AND VERIFIED COMPLAINT

MULLANEY & GJELAJ, P.L.L.C.
ATTORNEYS FOR PLAINTIFF
100-09 Metropolitan Avenue
Forest Hills, New York 11375



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Index Number NOT assigned
LAUREN VASQUEZ v. J. B. HUNT TRANSPORT, INC. et al
Assigned Judge: None Recorded

Documents Received on 03/09/2020 05:54 PM

Doc #	Document Type
1	SUMMONS + COMPLAINT Summons and Verified Complaint

Filing User

Nikolla GjelaJ | ngjelaj@maglawyers.com
10009 Metropolitan Ave, Forest Hills, NY 11375

E-mail Notifications

An email regarding this filing has been sent to the following on 03/09/2020 05:54 PM:

NIKOLLA GJELAJ - ngjelaj@maglawyers.com

Email Notifications NOT Sent

Role	Party	Attorney
Respondent	J. B. HUNT TRANSPORT, INC.	No consent on record.
Respondent	NICHOY M. TRACEY	No consent on record.

* Court rules require hard copy service upon non-participating parties and attorneys who have opted-out or declined consent.

NOTE: If submitting a working copy of this filing to the court, you must include as a notification page firmly affixed thereto a copy of this Confirmation Notice.

Audrey I. Pheffer, Queens County Clerk and Clerk of the Supreme Court - apheffer@nycourts.gov
Phone: 718-298-0173, 718-298-0601 Website: <https://www.nycourts.gov/COURTS/11jd/queensclerk>

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